

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

10/22/04 P 1:01

Scott Stern,
400 West Main Street
North Adams, MA. 01247,
and other persons similarly situated
in the Commonwealth of Massachusetts;
and other persons similarly situated
in the United States of America; and
other persons similarly situated not
currently residing within the
Commonwealth of Massachusetts or the
United States of America,

Plaintiff,

vs.

University of Massachusetts at
Amherst
University Health Services
Director of Health Services,
Bernette Melby
150 Infirmary Way
Amherst, Massachusetts. 01003,
Defendant

and,

University of Massachusetts at
Amherst
Brian Burke, Associate Counsel
300 Whitmore Administration Building
Amherst, Massachusetts 01003
Defendant

and,

Massachusetts Board of Trustees,
One Beacon Street
26th Floor
Boston, Massachusetts 02108
Defendant

and,

) Case No.: 04-30176-MAP
)
) MOTION TO CONSOLIDATE ALL PENDING
) MOTIONS TO AMEND THE ORIGINAL
) COMPLAINT OF SEPTEMBER 7th, 2004
) submitted to the United States
) District Court in Worcester,
) Massachusetts in order to allow
) reconsideration of the action before
) this court.
)
)

Massachusetts Board of
Higher Education
One Ashburton Place
Room 1401
Boston, Massachusetts 02108-1696
Defendant

and,

Division of Health Care
Finance and Policy
Two Boylston Street
Boston, Massachusetts 02116-4737

NOW HERE COMES PLAINTIFF AND MOVES THIS COURT TO CONSOLIDATE ALL
MOTIONS TO AMEND THE COMPLAINT IN ORDER TO RECONSIDER THE ORIGINAL
COMPLAINT ON ITS MERITS, FACTS AND EXHIBITS.

Plaintiff hereby moves the United States District Court to
Consolidate the amendments in order that the issues raised by the
plaintiff may be reconsidered.

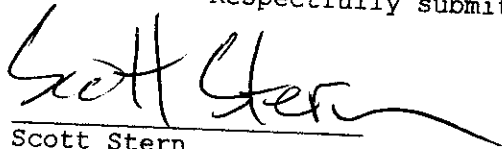
Judge F. Dennis Saylor IV allowed defendants additional time to
become familiar with the case after the time had expired for submission
of briefs by the defendants in this matter. Plaintiff requests that
the Honorable Judge F. Dennis Saylor IV allow plaintiff additional time
to submit the motions, affidavits and evidence to the defendants in
this matter. JUDGE F. DENNIS SAYLOR IV is aware that plaintiff has a
disability and it was the negative, disparate treatment that plaintiff
received on September 23, 2004, during oral argument, that exacerbated
plaintiff's condition to such a degree that he did not meet the
appropriate guidelines established under the Federal Rules of Civil
Procedure by submitting affidavits, motions and exhibits to the
Defendants on a timely basis.

The irreparable harm that this negative and disparate treatment is causing against this plaintiff cannot be fully ascertained and be demonstrated to this court at this time.

WHEREFORE, for the reasons above, plaintiff humbly, sincerely requests consolidation of all motions to amend pending in this court in order that reconsideration of this civil action may take place.

Plaintiff seeks a Temporary Restraining Order in order to continue his education through a federally funded program, the Massachusetts Rehabilitation Commission. Granting such an order would not harm the State by any means. The TRO would not be issued with prejudice or without prejudice for plaintiff and the pending litigation. It would simply allow plaintiff to enroll at the University of Massachusetts and continue his education. A granting of the TRO would ensure plaintiff's federal and state constitutional right to an education.

Respectfully submitted, on this 20th day of October, 2004.



Scott Stern
Pro-Se Plaintiff
400 West Main Street
North Adams, Massachusetts 01247